

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-CV-512-M-KS

SHANELLE MORRIS-WILKINS,)
Executor & Beneficiary of Danny)
Wilkins Estate,)
Plaintiff,)
v.) ORDER
LARONNA BELL,)
Defendant.)

This matter is before the court on Defendant's motion to stay discovery and various other motions filed by the parties. Plaintiff has responded in opposition to Defendant's motion to stay, and the motion is ripe for ruling. For the reasons set forth below, the court grants Defendant's motion to stay and denies the other motions.

Rule 26(c) of the Federal Rules of Civil Procedure vests district courts with discretion to stay discovery pending resolution of dispositive motions. *Yongo v. Nationwide Affinity Ins. Co. of Am.*, No. 5:07-CV-94-D, 2008 WL 516744, at *2 (E.D.N.C. Feb. 25, 2008). "Factors favoring issuance of a stay include the potential for the dispositive motion to terminate all the claims in the case or all the claims against particular defendants, strong support for the dispositive motion on the merits, and irrelevancy of the discovery at issue to the dispositive motion." *Id.*

Here, the factors weigh in favor of a stay. Defendant has moved to dismiss Plaintiff's complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure

for failure to state a claim upon which relief can be granted. The motion to dismiss has the potential to terminate the action in its entirety, and it does not appear that discovery is necessary to a proper resolution of the motion to dismiss.

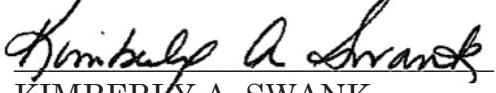
For these reasons and having considered the grounds for dismissal raised by Defendant, the court finds good cause to stay discovery in this action.

CONCLUSION

The court hereby ORDERS as follows:

1. Defendant's motion to stay [DE #30] is GRANTED, and discovery is hereby STAYED pending the court's resolution of Defendant's motion to dismiss [DE #17]. If Defendant's motion to dismiss is denied in whole or in part, the parties shall, within twenty-one (21) days thereafter, conduct a discovery conference and submit a joint Rule 26(f) report for the court's consideration.
2. Plaintiff's request for sanctions [DE #35] is DENIED.
3. Plaintiff's motion to expedite proceedings and for scheduling order [DE #14] is DENIED as moot.
4. Defendant's motion to expedite motion to stay discovery [DE #38] is DENIED as moot.
5. Plaintiff's motion to compel discovery [DE #41] is DENIED as moot.

This 15th day of April 2025.



KIMBERLY A. SWANK
United States Magistrate Judge